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December 30, 2020

Hon. Allyne R. Ross
U.S. District Court
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *U.S. v. Qadar, et al*, 00 cr. 603 (ARR)
[Motion for Reconsideration - Motion for Compassionate Release]

Dear Judge Ross:

I am counsel for Manzoor Qadar in the above referenced matter.

Currently pending before the Court in is Mr. Qadar's for Reconsideration (of the prior denial of his Motion for Compassionate Release) (the "Motion"). Procedurally, I submitted the Motion and the Government submitted its response in opposition. Pursuant to the conference held on October 27, 2020, submission of my Reply, in further in support of the Motion, is being held in abeyance pending the results of Mr. Qadar's medical consultation with a cardiologist. In the interim, by this letter, and attached Exhibits, I seek to supplement the Motion by asserting an additional ground for consideration.

Mr. Qadar's wife, Fehmeeda, suffers from severe osteoarthritis in her hips. Included in the Exhibits to this letter is a letter from her doctor confirming this diagnosis. Also included in the Exhibits is an excerpt from her medical record which indicates, among other medications, she takes *Caifovit D3* (for the osteoarthritis) and *Tramadol* (for pain) on a daily basis.

Due to the osteoarthritis, Fehmeeda cannot live alone. She either struggles with, or cannot perform, daily activities such as walking, bathing, cooking and cleaning. Also included in the Exhibits is a letter from Jabeen Qadar (a daughter of Fehmeeda and Mr. Qadar) which describes Fehmeeda's disabilities and the family's inability to provide needed care. The relevant excerpt from her letter is as follows:

[Fehmeeda] is suffering from severe osteoarthritis and has now been referred for hip surgery too which is a risky option but may be the only option with her current status being confinement to a wheelchair and is bed bound and is in need of full time care. Currently her condition is deteriorating rapidly. Her conditions impose a number of limitations including:

- The inability to ambulate effectively, she is unable to walk reasonable distances or use stairs without a form of aid or assistance.
- She currently is using a walking aid full time.
- She is unable to perform fine and gross motor movements.
- She is unable to travel without assistance.
- She is unable to undertake grocery shopping, banking, using public transportation, preparing a meal, feeding herself, showering, etc.
- She is currently on the register for hip replacement surgery which in itself will cause further limitations.
- X-rays, CT scans, MRIs, radio-nuclear bone scans, all showcase the severity of her arthritis and the need for surgery as surgery is the last option.

Although Mr. Qadar and Fehmeeda have six children, as indicated in Jabeen's letter, five of the children are married and do not live in the same town as Fehmeeda. As such, they cannot provide full-time care for Fehmeeda. Currently, their youngest daughter, Juwairiah, lives with, and takes care of, Fehmeeda. However, as noted in Jabeen's letter, Juwairiah's ability to care for Fehmeeda is limited:

[M]y youngest sister Juwairiah has been trying her utmost best to provide the care she needs but with work commitments and holding two jobs to provide for my mother, it is hit and miss. We are not able to afford private care for her. Having my father home with his previous skills as a nurse he could cater to her caring needs efficiently.

Based upon the foregoing, the only person who can properly care for, and fully attend to, Fehmeeda is Mr. Qadar. As noted in prior submissions, Mr. Qadar is a trained nurse who, prior to his arrest, worked for the NHS (U.K. National Health Service). As such, he well qualified to take care of Fehmeeda.

I submit the incapacity of Fehmeeda, and Mr. Qadar being the only person able to properly care for her, is another ground -- either standing alone or in conjunction with the other factors set forth in the prior submissions -- for reducing Mr. Qadar's sentence pursuant to 18 U.S.C. § 3582(c)(1)(A).

Prior to the First Step Act, when the Bureau of Prisons was the only party with standing to move for compassionate release, the need to attend to an incapacitated family member was one of the few specified "extra ordinary and compelling" reasons upon which the motion could be granted.

Specifically, U.S.S.G. §1B1.13 Application Note 1(C)(ii), defined this “extraordinary and compelling reason” as follows:

(C) Family circumstances

...

- (ii) The incapacitation of the defendant’s spouse or registered partner when the defendant would be the only available caregiver for the spouse or registered partner.

Although the First Step Act now allows for defendants to move for compassionate release, this ground, especially in light of the Second Circuit’s ruling in *Brooker*, is still a factor the Court may consider in granting the Motion.

I anticipate, and do not object to, the Government wanting to supplement its prior response in opposition to the Motion by responding to this letter. Thereafter, I will continue to hold off on submission of the aforementioned Reply which is currently being held in abeyance.

Respectfully submitted,


/s/

Jeffrey G. Pittell

cc: Robert Pollack, AUSA
Manzoor Qadar

EXHIBITS

Relationship: Daughter
Jabeen Qadar



RE: My father, Manzoor Qadar, 60674-053

Dear Sir/Madam,

My name is Jabeen Qadar a UK citizen who is writing to you today to request careful consideration of my father's **RELEASE or TRANSFER BACK TO THE UK.**

My father Mr Manzoor Qadar, is currently incarcerated under a life sentence in the United States of America. Every memory of my father is an amorous one and his influence on my childhood has been a prodigious one. My father shares with me a very deep relationship he is humble, intelligent, and a kind hearted man who is loved by all for innumerable reasons. The relationship I share with my father is too valuable to be put into words. He was a successful business man, fearless and courageous he comprehended and defined success and penetrated the principals and demands into our mind to prepare us for the bigger world. His constant dedication towards my interest and his motivation has helped me channel through all my childhood challenges and all credit is due to his participation in my upbringing and who I am today.

I would define a **leader** as a person who puts the welfare of others above himself, the same applies to my **father**, he wasn't just my role model he was my best friend, an inspirational leader compelling, a great role model and successful. Though it may seem implausible that such an influence is credible, his high family values and urge of unity is what demarcated him as a character of heart and soul of our family. He taught each and every one of us respect, love and care.

We are a family of 6 siblings and our mother all of us have had little or no physical contact over the last 20 years. Growing up without a father has been difficult for us all. The only contact we have is via phone, I miss holding his hand, hugging him and just being close to him, the small dignities every human should not be deprived of. The amount of time he has spent on his own, incarcerated in a foreign country, isolated from loved ones and family members for a period of 20 years is a punishment in itself. The amount of time he has served is sufficient, and to compare it to the sentence and/or the amount of time by any others involved in the same incident is a favourable comparison.

He has lost his father, mother and brother and various loved ones whilst he has been incarcerated which has meant he has been deprived from saying goodbye to many uncles, aunties, nieces, nephews and other family friends over the course of the years. He has 6 sons and daughters who have looked up to their father as a true role model, who has been a true inspiration and truly motivated us to educate and succeeded to become successful and thriving citizens. All of us have grown up to become professionals ranging from Pharmacist to accountants. My father has missed out on many Birthdays, graduation ceremonies, weddings, funerals and it has been a very sad time for us in the moment. Two of my sisters have since got married and my father has missed the opportunity of meeting his son in laws and participating in any of the wedding functions and has missed out on giving his daughters away.

My father has now been incarcerated for over 20 years now and his record has been extremely remarkable, he has no disciplinary and/or warnings. He is also now in a lower security prison which indicates he is now a low risk prisoner. He also has been doing suicide watch at the prison and is a loving and caring character who is always keen to help others.

In light of the current pandemic he is a high risk prisoner he recently came back from seeing the doctor. The doctor referred him to a cardiologist and he is also suffering from severe anxiety and depression. He is also currently on medication for high blood pressure and also now has prostate issues which is causing him problems urinating. My father is now 59 and suffers from diabetes and as a heart condition and high blood pressure and amidst the current pandemic is a high risk candidate. It is my understanding that, prior to this pandemic, my father did not fit any of the criteria for

compassionate release. The existence of the pandemic does now appear to cause him to now fit within the criteria.

On the other side his wife is suffering from severe osteoarthritis and has now been referred for hip surgery too which is a risky option but may be the only option with her current status being confinement to a wheelchair and is bed bound and is in need of full time care. Currently her condition is deteriorating rapidly. Her conditions impose a number of limitations including:

- The inability to ambulate effectively, she is unable to walk reasonable distances or use stairs without a form of aid or assistance
- She currently is using a walking aid full time.
- She is unable to perform fine and gross motor movements
- She is unable to travel without assistance.
- She is unable to undertake grocery shopping, banking, using public transportation, preparing a meal, feeding herself, showering, etc.
- She is currently on the register for hip replacement surgery which in itself will cause further limitations.
- X-rays, CT scans, MRIs, radio-nuclear bone scans, all showcase the severity of her arthritis and the need for surgery as surgery is the last option.

We are a family of 6 siblings including myself. My name is Jabeen I got married in September and have relocated to London.

- My sister Aisha got married a few years ago and has relocated to Bolton and is responsible for one child.
- My brother Sulemane has relocated with his wife to Manchester.
- My sister Sumaya has relocated with her husband to Bolton and is responsible for two children.
- My brother Abubaker has relocated with his partner to Manchester
- My sister Juwairiah is currently living with my mother.

my youngest sister Juwairiah has been trying her utmost best to provide the care she needs but with work commitments and holding two jobs to provide for my mother, it is hit and miss. We are not able to afford private care for her. Having my father home with his previous skills as a nurse he could cater to her caring needs efficiently.

Both my parents are unwell and both are high risk candidates in this current pandemic. I have attached a report from my mother's GP which highlights her condition in more detail.

I urge you to take these facts into consideration. I don't want to lose my dad. I don't want to hear the news that something bad has happened to him. I want to be happy when he comes home, hold him, kiss him, create some memories for me and my children to come.

Yours Sincerely

Jabeen Qadar